

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 102 OF 2007
IN
WRIT PETITION NO. 1252 OF 2003

Ashok Kumar Singh. .. Petitioner.

vs.

Airports Authority of India

& Anr. .. Respondents.

Mr. Manish Mistry i/by M/s. M.P. Vashi &
Associates for petitioner.

Mr. J.S. Saluja i/by M/s. M.V. Kini & Co.
for Respondent No.1.

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Coram: J.N. PATEL &
S.C. DHARMADHIKARI, JJ.

Date: 2nd March, 2007.

P.C.

. This notice of motion has been taken out by the petitioner that pending the hearing and final disposal of the petition, which is relating to vacating of the residential quarter, the petitioner may be allowed six months time to vacate the residential quarter and the

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respondents be prevented from acting upon the letter dated 3.1.2007 and 19.12.2006 and executing the eviction order dated 7.9.2001 in respect of the residential quarter namely C-7/2, New Airport Colony, Vile Parle (East), Mumbai 400 099 for a period of six months and for further ancillary reliefs.

2. In the course of hearing of the motion, the petitioner agreed to give an undertaking to this Court that he will vacate his residential quarters within two months from today. Accordingly, the undertaking is tendered.

3. The learned counsel for the respondent submits that the petitioner should not be permitted to take any undue advantage of the fact that this Court has permitted him to continue in spite of there being an order of vacation as he is no more in the service of the respondent.

4. In our view, this Court can safely accept the undertaking given by the petitioner with a rider that the petitioner would clear all his dues in respect of the use and occupation of the residential quarters within the time of two months and further that the petitioner would not seek any extension in the matter of vacation of the residential quarter or clearing of the dues. On the aforesaid conditions, we accept the undertaking given by the petitioner.

5. We make it clear that in case the petitioner does not abide by the undertaking and the conditions imposed by this Court while accepting the same, the respondents would be at liberty to act upon the order which shall be in addition to the action the petitioner would be required to face for committing breach of undertaking given to this Court. The undertaking is taken on record and marked "X" for identification.

6. The notice of motion is disposed of accordingly. No order as to costs.

(J.N. Patel, J.)

(S.C. Dharmadhikari, J.)